HR 1902

Protecting Consumer Access to Generic Drugs Act of 2007

Congress: 110 (2007–2009, Ended)
Chamber: House
Policy Area: Health
Introduced: Apr 17, 2007
Current Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
Latest Action: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property. (May 4, 2007)
Official Text: https://www.congress.gov/bill/110th-congress/house-bill/1902

Sponsor

Name: Rep. Rush, Bobby L. [D-IL-1]
Party: Democratic • **State:** IL • **Chamber:** House

Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Butterfield, G. K. [D-NC-1]	D · NC		Apr 17, 2007
Rep. Dingell, John D. [D-MI-15]	D · MI		Apr 17, 2007
Rep. Doyle, Michael F. [D-PA-14]	D · PA		Apr 17, 2007
Rep. Markey, Edward J. [D-MA-7]	D · MA		Apr 17, 2007
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Apr 17, 2007
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Apr 17, 2007
Rep. Marshall, Jim [D-GA-8]	D · GA		Apr 25, 2007
Rep. Gordon, Bart [D-TN-6]	D · TN		Apr 26, 2007
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		May 1, 2007
Rep. DeGette, Diana [D-CO-1]	D · CO		May 9, 2007
Rep. Stupak, Bart [D-MI-1]	D · MI		May 9, 2007
Rep. Wynn, Albert Russell [D-MD-4]	D · MD		May 16, 2007
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Dec 6, 2007

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Hearings By (subcommittee)	May 2, 2007
Judiciary Committee	House	Referred to	May 4, 2007

Subjects & Policy Tags

Policy Area:

Health

Related Bills

No related bills are listed.

Summary (as of Apr 17, 2007)

Protecting Consumer Access to Generic Drugs Act of 2007 - Prohibits, as an unfair and deceptive act or practice and an unfair method of competition in or affecting interstate commerce, any person from being a party to any agreement resolving or settling a patent infringement claim in which: (1) an abbreviated new drug (generic) application filer receives anything of value; and (2) such filer agrees not to research, develop, manufacture, market or sell the generic drug. Excludes a resolution or settlement that includes no more than: (1) the right to market the generic drug before the expiration of the patent or other exclusivity period; or (2) the waiver of a patent infringement claim for damages.

Authorizes the Federal Trade Commission (FTC) to exempt agreements in furtherance of market competition and for the benefit of consumers.

Amends the Federal Food, Drug, and Cosmetic Act to provide that a generic drug applicant forfeits market exclusivity for failing to market the drug 75 days after: (1) a court dismisses a declaratory judgment action for lack of subject matter jurisdiction; or (2) the applicant files with the Secretary of Health and Human Services a covenant that the patent owner will not sue the applicant for patent infringement. Deems an applicant to have forfeited market exclusivity if the applicant enters into an agreement that violates this Act.

Amends the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to revise reporting requirements related to agreements between a generic drug applicant and a brand name drug company to include: (1) a description of the subject matter of other agreements between the parties; and (2) a certification that the materials filed represent the complete, final, and exclusive agreement between the parties.

Actions Timeline

- **May 4, 2007:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **May 2, 2007:** Subcommittee Hearings Held.
- **Apr 18, 2007:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Apr 17, 2007:** Introduced in House
- **Apr 17, 2007:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.